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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,453	04/02/2001	Brian Thomas Dorricott	P-3018.001	9505

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Eric T. Jones
Reising, Ethington, Barnes
Kisselle, Learman & McCulloch, PC
P O Box 4390
Troy, MI 48099-4390

EXAMINER

KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/824,453

Applicant(s)

DORRICOTT, BRIAN THOMAS

Examiner

Chuck Kendall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4 - 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 - 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the application filed 11/03/04.
2. Claims 1, 2, 4 – 7 have been examined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, 5 & 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parthesarathy et al. USPN 6,353,926, in view of Lloyd et al. USPN 6,779,178 B1.

Regarding claim 1, Parthesarathy discloses a method of updating computer software and/or data in a recipient computer comprising the steps of:

said recipient computer sending an update request as an e-mail message to an owner computer (Col. 2:17 – 23);

said owner computer automatically analyzing the update request and preparing a corresponding software and/or data update response (Col. 6:1 – 31, see “automatically updating the user’s computer every time a new update is detected”) in response to receiving update request email (Col. 2: 20 – 25, see email and also see “(.lnk file)”);

said owner computer automatically sending said software and/or data update to said recipient computer (Col. 6:1 – 31, 10:1 – 5). Parthesarathy doesn’t explicitly disclose wherein the software and/or data update comprises an email message having one or more files to be updated are sent as attachment files in the e-mail message. Parthesarathy does disclose communicating information to the user regarding upgrades via email (1:58 – 61). Lloyd in an analogous art discloses “ the customized may be

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delivered on media, such as a CD-ROM...the e-mail customization system may transmit the customized software as an e-mail attachment..." (16: 49 – 52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Parthesarathy and Lloyd because, it would have enabled installing software automatically using an installation electronic mail client (Lloyd, 17: 1 – 7).

Regarding claim 2, a method as claimed in claim 1, in which the update request is compiled at the recipient computer by reference to a data directory, and the software and/or data update is compiled at the owner computer by reference to the same data directory, only files identified in the update request being updated in the software and/or data update (Parthesarathy, Col.10: 1 –10, for data directory see registry).

Regarding claim 4, Parthesarathy discloses all the claimed limitations as applied in claim 1. Parthesarathy doesn't explicitly disclose a method as claimed in claim in which the software/and or data update is protected by a password. Parthesarathy does disclose that "A security enhancement can also be incorporated wherein the software decides which site is authorized to update the software" (8:53 – 55). Lloyd in an analogous art discloses verifying email passwords and addresses against customer information (16: 35 – 40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Parthesarathy and Lloyd because, using a password would make it more secure.

Regarding claim 5, a method as claimed in claim 1, in which the e-mail update request is transmitted via the Internet (Parthesarathy, Col.10: 1 – 5).

Regarding claim 7, a method as claimed in claim 1, in which the computer software and/or data to be updated consists of one of a virus signature, a software application or data to be backed-up by the owner computer (Parthesarathy, for software application see FIG. 3, 108 see software update).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parthesarathy et al. USPN 6,353,926 as applied in claim 1, in view of Lloyd et al. USPN 6,779,178 B1 and further in view of Cantos et al. USPN 6,529,784 B1.

Regarding claim 6, Parthesarathy as modified by Lloyd discloses all the claimed limitations as applied in claim 1 above. The combination of Parthesarathy and Lloyd doesn't explicitly disclose that a firewall protects computer through which it communicates in sending said e-mail update request. Lloyd does mention a password protected web cite (7:35) which is being presented in combination with Parthesarathy as discussed above. Cantos discloses a fire wall in a similar configuration, (Cantos, Col. 4:59, see firewall). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Parthesarathy and Lloyd with Cantos because, it ensures that communications between the control server and agents associated with the customer network are secure and uncorrupted (Cantos, Col. 4:56 – 60, also Col.10: 56 – 60).

Response to Arguments

7. Applicant's arguments with respect to claims 1, 2, 4 – 7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

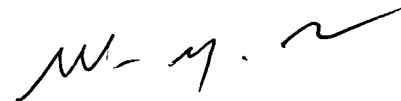
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-2723698. The examiner can normally be reached on 10:00 am - 6:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-2723695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK



WEI Y. ZHEN
PRIMARY EXAMINER